

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

BMT DESIGNERS & PLANNERS, INC.,  
fdba BMT D&P, fdba BMT, fdba BMT DAS US,  
  
Debtor.

Chapter 7

Case No. 22-10123 (MG)

**SECOND STIPULATION AND ORDER BETWEEN TRUSTEE AND NORTHROP  
GRUMMAN SYSTEMS CORPORATION EXTENDING THE PERIOD OF  
PERFORMANCE UNDER SUBCONTRACT AGREEMENT  
THROUGH AND INCLUDING JUNE 30, 2022**

This stipulation (“Stipulation”) is entered into by and between Salvatore LaMonica, solely in his capacity as the Chapter 7 Trustee (“Trustee”) of the bankruptcy estate (“Estate”) of BMT Designers & Planners, Inc., fdba BMT D&P, fdba BMT fdba BMT DAS US (“Debtor”), and Northrop Grumman Systems Corporation (“NGSC”, along with the Trustee, the “Parties”) to extend the period of performance under that certain Subcontract Agreement (MSV-(L)) between the Parties dated June 18, 2018 (as amended, modified, or supplemented, the “NGSC Subcontract”), and for related relief as set forth herein.

**RECITALS**

i. **Procedural Background**

A. On February 1, 2022 (the “Petition Date”), the Debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (the “Court”).

B. On or about the Petition Date, the Trustee was appointed as the interim Chapter 7 Trustee of the Estate, has since duly qualified and is the permanent Trustee administering this Estate.

C. On February 17, 2022, this Court entered an Order Authorizing the Chapter 7 Trustee to Operate the Debtor's Business and Pay Certain Operating Expenses of the Estate pursuant to Bankruptcy Code section 721[dkt. no. 17].

D. The last day to file claims against the Estate was May 31, 2022.

ii. **The NGSC Subcontract**

E. Prior to the Petition Date, the Debtor and NGSC entered into the NGSC Subcontract.

F. The NGSC Subcontract is a subcontract under that certain Master Subcontract Agreement (MSV(L)) between the Debtor and Vigor Works LLC ("Vigor"), dated as of September 28, 2017 (the "Vigor Contract"), relating to that certain contract between the United States Army and Vigor for the design and delivery of the MSV(L).

G. The period of performance under the NGSC Subcontract had an expiration date of April 29, 2022.

H. Pursuant to a Stipulation and Order, the Trustee and NGSC agreed to extend the period of performance under the NGSC Subcontract to June 3, 2022 [dkt no. 68].

I. The Trustee and Vigor have agreed to extend the Trustee's time to assume or reject the Vigor Contract and its related subcontracts to August 3, 2022 [dkt. no. 79].

J. The Parties have agreed to extend the period of performance under the NGSC Subcontract through and including June 30, 2022.

**TERMS AND CONDITIONS**

1. The recitals above are incorporated by reference as if fully set forth at length herein and the Parties agree to the accuracy thereof.

2. The period of performance under the NGSC Subcontract is extended through and

including June 30, 2022, without prejudice for the Parties to agree to further extend the period of performance.

3. Nothing herein shall constitute a waiver of or shall otherwise impair or affect any claims and/or defenses by either Party relating to or deriving from the NGSC Subcontract, the Vigor Contract, including any arguments regarding potential assumption or rejection of the NGSC Subcontract, or otherwise.

4. If the Court does not approve this Stipulation, then the Stipulation shall be deemed null and void and of no force and effect, and the Parties to this Stipulation shall retain all rights, claims and/or defenses that they may have against each other.

5. This Court shall have exclusive jurisdiction over the subject matter of this Stipulation in order to resolve any dispute in connection with the rights and duties specified hereunder.

6. This Stipulation may be executed in any number of counterparts, any and all of which shall be deemed to be original. The Parties shall be bound by their signatures transmitted by facsimile or electronic mail (in pdf format) as if such signatures were original “ink” signatures.

Dated: June 3, 2022

**LaMONICA HERBST & MANISCALCO, LLP**  
Counsel to Salvatore LaMonica, Chapter 7 Trustee

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**SO ORDERED**, on the \_\_\_\_ day of June, 2022

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Honorable Martin Glenn  
Chief United States Bankruptcy Judge